

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERELL LAMONTE ARMSTEAD,

Defendant.

No. 11-CR-143-LRR

ORDER

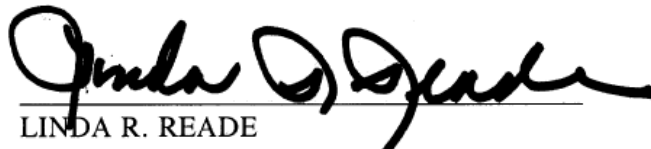
The matter before the court is Magistrate Judge Jon S. Scoles's Report and Recommendation (docket no. 135). On December 1, 2011, Defendant Terell Lamonte Armstead filed a "Motion to Suppress Evidence and Request for Evidentiary Hearing" ("Motion") (docket no. 126). In the Motion, Defendant contends that the court should suppress all evidence obtained during a traffic stop and all evidence obtained when the police subsequently detained and interrogated Defendant. On December 9, 2011, the government filed a Response (docket no. 131). In the Response, the government, without conceding that the search and seizure was illegal, agreed to not offer the evidence Defendant seeks to suppress. On December 13, 2011, Judge Scoles issued the Report and Recommendation, which recommends that the court deny the Motion as moot. The Report and Recommendation states that "within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections with the district court." Report and Recommendation at 4.

The time to object to the Report and Recommendation has expired and neither party has filed any objections. The parties have thus waived their right to de novo review of the Report and Recommendation. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) ("Appellant's failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate

judge as well as his right to appeal from the findings of fact contained therein.’” (quoting *Griffini v. Mitchell*, 31 F.3d 690, 692 (8th Cir. 1994))). The court finds no plain error in Judge Scoles’s decision. Accordingly, the court **ADOPTS** the Report and Recommendation (docket no. 135). The Motion to Suppress (docket no. 126) is **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED this 29th day of December, 2011.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA